

*Mr. Van Doren  
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January 26, 1967

**TO:** ACDA/ST - Dr. Rochlin  
**THROUGH:** ACDA/GC - Mr. Van Doren  
**FROM:** ACDA/GC - Robert E. Stein  
**SUBJECT:** Coverage of IAEA Safeguards as required by Article III of the Draft NPT.

Article III as proposed creates an obligation of all non-nuclear-weapon states to undertake to accept IAEA safeguards, on all their peaceful nuclear activities.

Further, there is an obligation of all parties

"not to provide source or fissionable material, or specialized equipment or non-nuclear material for the processing or use of source or fissionable material or the production of fissionable material for peaceful purposes" to any non nuclear State, unless IAEA safeguards are applied.

Can IAEA safeguards apply to all of the materials facilities and equipment or non nuclear material for the processing or use of source or fissionable material or the production of fissionable material that fall within the meaning of Article III?

The answer to this question is clearly Yes. Article III A of the IAEA Statute states that the Agency is authorized:

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"5. To establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose; and to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or, at the request of a State, to any of that State's activities in the field of atomic energy;"

This provisions is reiterated in Part IA.2 of the IAEAsSafeguards System document (1965) which states:

"2. The principal purpose of the present document is to establish a system of controls to enable the Agency to comply with this statutory obligation with respect to the activities of Member States in the field of the peaceful uses of nuclear energy, as provided in the Statute. The authority to establish such a system is provided by Article III.A. 5 of the Statute, which authorizes the Agency to 'establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose.' This Article further authorizes the Agency to 'apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy.'

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The IAEA can, therefore, apply safeguards when requested to do so, in the categories mentioned--which are broad enough to encompass the scope of Article III. It can also apply safeguards pursuant to a bilateral or multilateral arrangement to any activities of a state in the field of atomic energy. The objective of any of the safeguards shall be to ensure that the materials, safeguarded are "not used in such a way as to further any military purpose."

The IAEA has already included heavy water in its safeguards pursuant to the U.S. IAEA trilaterals with Israel and South Africa. The amount, however, is very small.

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